

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**JOHN LOFTON,**  
Plaintiff,

v.

**VERIZON WIRELESS (VAW) LLC,**  
Defendant.

Case No. 13-cv-05665-YGR

**ORDER DENYING MOTION TO SEAL**

Re: Dkt. No. 131

On April 8, 2015, the plaintiff filed an administrative motion to seal portions of his Fourth Amended Complaint. (Dkt. No. 131.) The plaintiff took no position as to the propriety of sealing the material at issue, but merely filed the motion in light of earlier confidentiality designations (or possible designations) by the defendant.

Where a party files a motion to seal solely because the document at issue contains material “designated as confidential by the opposing party or a non-party pursuant to a protective order,” the designating party is “required” to file a responsive declaration within four days “establishing that all of the designated material is sealable.” Civ. L. R. 79-5(e).

The defendant failed to file the required declaration. On April 17 and April 20, 2015, the Court informally advised the parties of the failure and inquired as to whether such a declaration would be forthcoming. On April 20, 2015, the defendant noted that it did not intend to file the required declaration. In light of these circumstances and consequently finding insufficient support in the record for sealing the material in question, the Court hereby **DENIES** plaintiff’s motion to seal.

This Order terminates Docket Number 131.

**IT IS SO ORDERED.**

Dated: April 22, 2015

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE